

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

OWEN JAMES YARBOROUGH,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:11-CV-174-Y
	§	
RICK THALER,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS AND,
TRANSFERRING CASE TO THE
UNITED STATE COURTS OF APPEALS FOR THE FIFTH CIRCUIT

In this action brought by petitioner Owen James Yarborough seeking permission to challenge his conviction under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on March 23, 2011; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 20, 2011.¹

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be transferred to the United States Court of Appeals for the Fifth Circuit, for the reasons stated by the magistrate judge.

Therefore the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

¹The document filed April 20, 2011, is entitled "Supporting Memorandum of Law." The Court has reviewed this document as written objections inasmuch as Yarborough's arguments therein could be construed as challenges to the magistrate judge's report.

Owen James Yarborough's motion requesting leave to file a petition for writ of habeas corpus is TRANSFERRED to the United States Court of Appeals for the Fifth Circuit.

SIGNED April 21, 2011.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE